



HAMPDEN TOWN COUNCIL MEETING  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

MONDAY

NOVEMBER 15, 2021

6:00 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. APPROVAL OF THE AGENDA
- C. CONSENT AGENDA
  - 1. SIGNATURES
  - 2. COUNCIL MINUTES
    - a. 10/04/2021 Council Meeting
    - b. 10/12/2021 Council Workshop Meeting
  - 3. COMMUNICATIONS
    - a. Renewal Victualer's License – Restaurant Angelo's of Hampden INC.
  - 4. COMMITTEE MINUTES
- D. PUBLIC COMMENTS
- E. POLICY AGENDA
  - 1. NEWS, PRESENTATIONS & AWARDS
  - 2. PUBLIC HEARINGS
  - 3. NOMINATIONS – APPOINTMENTS – ELECTIONS
- F. COMMITTEE REPORTS
- G. UNFINISHED BUSINESS
- H. NEW BUSINESS
  - a. Council authorization to add a ROTH feature to the ICMA plan.
  - b. Council review of the Draft Vaccine Mandate Policy.
- I. MANAGER'S REPORT

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

NOVEMBER 15, 2021

6:00 P.M.

AGENDA

J. COUNCILOR'S COMMENTS

K. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE  
REMOTE HAMPDEN TOWN COUNCIL MEETING  
ON NOVEMBER 15, 2021 AT 6:00 PM YOU MAY  
PHONE IN USING THE FOLLOWING NUMBER  
(FOLLOWED BY THE PIN #)

**1-501-991-4230      PIN 753 182 662#**

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO  
TO THIS URL: [https://meet.google.com/  
ybg-dian-jif?hs=122&authuser=0](https://meet.google.com/ybg-dian-jif?hs=122&authuser=0) AND JOIN  
US THAT WAY

INSTRUCTIONS ARE POSTED WITH THE AGENDA  
AND SEPARATELY ON THE TOWN CALENDAR AT  
[WWW.HAMPDENMAINE.GOV](http://WWW.HAMPDENMAINE.GOV)

## **Using Google Meet to Participate in Hampden Town Council Remote Meetings**

### **How to join:**

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at [www.hampdenmaine.gov](http://www.hampdenmaine.gov).
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

### **Protocols for Remote Meetings:**

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

[support.google.com/a/users/answer/9282720?hl=en](https://support.google.com/a/users/answer/9282720?hl=en)



HAMPDEN TOWN COUNCIL MEETING  
HAMPDEN MUNICIPAL BUILDING  
MINUTES

C-2-a

.....  
MONDAY

.....  
OCTOBER 04, 2021

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6:00 P.M.  
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*In Attendance:*

*Mayor Shelby Wright*

*Councilor Eric Jarvi*

*Councilor Mark Cormier*

*Councilor Ivan McPike*

*Councilor Allen Esposito*

*Councilor Peter Erickson*

*Councilor Christine Cubberley*

*Paula Scott, Town Manager*

*Gayle C. Decker, Town Clerk*

*Victor Smith, Public Works Director*

*Darcey Peakall, Lura Hoit Pool Director*

*Mayor Wright called the meeting to order at 6:00 p.m.*

A. PLEDGE OF ALLEGIANCE

*Mayor Wright led the Pledge of Allegiance.*

B. APPROVAL OF THE AGENDA

***Motion:*** Councilor McPike made a motion to approve the agenda, seconded Councilor Cubberley, was amended to add Agenda item h. Lura Hoit Pool Mask Mandate Policy. Vote by roll call 7-0 with all Councilor's voting in the affirmative.

*Resolution: 2021 - 192*

C. CONSENT AGENDA

***Motion:*** Councilor McPike moved to approve the consent agenda, seconded by Councilor Cubberley. Vote by roll call 7-0 with all Councilor's voting in the affirmative.

*Resolution: 2021 - 193*

1. SIGNATURES

2. COUNCIL MINUTES

a. 09/13/2021 Council Workshop Meeting

b. 09/20/2021 Council Meeting

3. COMMUNICATIONS

a. Renewal Victualer's License – Hannaford Bros Co., LLC., dba Hannaford Supermarket & Pharmacy.

b. Renewal Victualer's License – Energy North Inc., dba Tradewinds.

**Note:** Council will take a five-minute recess at 8:00 p.m.

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- c. Renewal Victualer's License – Paul Stratton, dba Pizza Gourmet.

4. COMMITTEE MINUTES

D. PUBLIC COMMENTS

E. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

*Councilor Jarvi recused himself from the reappointments and stepped down from the dais.*

- a. Reappointment of Jane L. Jarvi for a three-year term to the Edythe L. Dyer Library Board of Trustees.

***Motion:*** Councilor McPike moved to reappoint Jane L. Jarvi for a three-year term to the Edythe L. Dyer Library Board of Trustees, seconded by Councilor Esposito. Vote by roll call 6-0 with Councilor's Cubberley, Erickson, Esposito, McPike, Cormier and Mayor Wright voting in the affirmative and Councilor Jarvi abstaining.

*Resolution: 2021 – 194*

- b. Reappointment of Yvonne M. Lambert for a three-year term to the Edythe L. Dyer Library Board of Trustees.

***Motion:*** Councilor McPike moved to reappoint Yvonne M. Lambert for a three-year term to the Edythe L. Dyer Library Board of Trustees, seconded by Councilor Cubberley. Vote by roll call 6-0 with Councilor's Cubberley, Erickson, Esposito, McPike, Cormier and Mayor Wright voting in the affirmative and Councilor Jarvi abstaining.

*Resolution: 2021 – 195*

F. COMMITTEE REPORTS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- a. Council award of the HVAC system bid to BASIX Automation Integrators, Inc. in the amount of \$113,950, requested by Victor Smith, DPW Director.

Note: Council will take a five-minute recess at 8:00 p.m.

*Victor Smith, Public Works Director spoke on the process and bids received for the HVAC system.*

**Motion:** Councilor Jarvi moved Council award the HVAC system bid to BASIX Automation Integrators, Inc. in the amount of \$113,950, seconded by Councilor Cubberley. Vote by roll call 7-0 with all Councilor's voting in the affirmative.

*Resolution: 2021 - 196*

- b. Request Council authorization to unencumber the balance of office renovation funds in the amount of \$36,933.04 within the Municipal Building Reserve Account 3-702-00.

**Motion:** Councilor Jarvi moved Council unencumber the balance of office renovation funds in the amount of \$36,933.04 from the Municipal Building Reserve Account 3-702-00, seconded by Councilor McPike. Vote by roll call 7-0 with all Councilor's voting in the affirmative.

*Resolution: 2021 - 197*

- c. Request Council authorization for the expenditure of \$113,950 from the Municipal Building Reserve Account 3-702-00 to pay for the HVAC replacement.

**Motion:** Councilor Jarvi moved Council authorize the expenditure in an amount not to exceed \$113,950. from the Municipal Building Reserve Account 3-702-00 to pay for the HVAC replacement, seconded by Councilor McPike. Vote by roll call 7-0 with all Councilor's voting in the affirmative.

*Resolution: 2021 - 198*

- d. Council award of the Summer Street stormwater project engineering to Plymouth Engineering in the amount of \$10,500, requested by Victor Smith, DPW Director.

**Motion:** Councilor Jarvi moved Council award the Summer Street stormwater project engineering to Plymouth engineering in an amount not to exceed \$10,500., seconded by Councilor McPike. Vote by roll call 7-0 with all Councilor's voting in the affirmative.

*Resolution: 2021 - 199*

- e. Request Council authorization for the expenditure of \$10,500 from the Stormwater Reserve 3-760-00 to pay for the Summer Street stormwater project.

**Motion:** Councilor Jarvi moved Council authorize the expenditure of an amount not to exceed \$10,500.00 from the Stormwater Reserve 3-760-00 to pay for the Summer Street stormwater engineering, seconded by Councilor McPike.

Note: Council will take a five-minute recess at 8:00 p.m.

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*Vote by roll call 7-0 with all Councilor's voting in the affirmative.*

*Resolution: 2021 - 200*

- f. Council authorization to receipt \$22,725 from the sale of Public Works Equipment into the Public Works Equipment Reserve Account 3-717-00.

**Motion:** *Councilor Jarvi moved Council authorize receipt of \$22,725 from the sale of surplus Public Works equipment in the Public Works Equipment Reserve Account 3-717-00, seconded by Councilor McPike. Vote by roll call 7-0 with all Councilor's voting in the affirmative.*

*Resolution: 2021 - 201*

- g. Council action on amending section 5.6 of Council Rules of Procedure.

**Motion:** *Councilor Jarvi moved to amend section 5.6 of Council Rules of Procedures as follows, amending to say no vote can be taken without a motion on the floor. Votes will be by roll call and of the form: and add a second amendment under section c replace the error Council will be excused from the dais to the Councilor will be excused from the dais, seconded by Councilor Cormier. Vote by roll call 7-0 with all Councilor's voting in the affirmative.*

*Resolution: 2021 – 202*

- h. Consideration of the Lura Hoit Pool Mask Mandate.

**Motion:** *Councilor Esposito made a motion to take this item to a workshop for further discussion, seconded by Councilor Erickson. Vote by Roll Call 2-5 motion fails with Councilor's Erickson and Esposito voting in the affirmative and Councilor's Cubberley, McPike, Cormier and Mayor Wright voting in opposition to.*

*Resolution: 2021 - 203*

**Motion:** *Councilor Jarvi moved Council approve the Lura Hoit Pool Mask Mandate Policy as written, seconded by Councilor McPike. Vote by roll call 4-3 with Councilor's Cubberley, Jarvi, McPike and Mayor Wright voting in the affirmative and Councilor's Erickson, Esposito and Cormier voting in opposition to.*

*Resolution: 2021 - 204*

I. **MANAGER'S REPORT**

*First, I just want to state that, as a reminder, the tax due date is on Wednesday, and we've seen a lot of people coming out already paying their taxes prior to the due date. I want to remind the public that anyone wishing to not have to stand in line may either drop their check into the dropbox out front or may wish to pay online. We do accept*

**Note:** Council will take a five-minute recess at 8:00 p.m.



online payments. I also want to report that we have all been contacted recently, I believe by a gentleman from town named Eric Ellingwood, who is interested in doing some work on some of our recreational trails and looking to get volunteers and I believe that he has contacted Counselor Cubberley recently as well as myself and other's. We are going to be referring that to a future workshop. The October workshop unfortunately is pretty full. It's going to be a big night that night, I think. So we're looking at referring that to the November workshop. I also want to, I'm going to put Councilor Jarvi on the spot a little bit, I just want to inform the Town Council and the public, that Councilor Jarvi's brother has recently donated a large amount of paramedic supplies and equipment because he retired from the industry. And it's out of state and in order for us to get it here we did contract with the UPS hauling service and they're going to be delivering it to Bangor on Wednesday. This is 1000s and 1000s of dollars of paramedic and EMF supplies that were donated to us by Councilor Jarvi's brother, and all it cost us was a little over \$2500 to get it here. So, it was a huge, huge donation to the Town and it will go a long way in promoting our program and I just wanted to say thank you from the Town of Hampden.

#### J. COUNCILOR'S COMMENTS

Councilor Cubberley – No comment.

Councilor Erickson – No comment.

Councilor Esposito – No comment.

Councilor Jarvi -The rainfall event of September 26 was unprecedented and quite probably historic. I commend our Public Works Department for their professional and timely response to the numerous challenges created by the flooding throughout Hampden. To the impacted residents we hear your concerns and as a Council and Town Staff we will be studying how best to address the challenges created by these acts of nature. In the interim, I would remind the public we have an approved stormwater management plan prepared by Stillwater Environmental Engineering and our active MS4 permit describes permit coverage and limitations, definitions, authorization and notice requirements, stormwater program management plan requirements and standard conditions for municipalities transportation MS4 and state federally owned MS4's. A copy of our 2022 MS4 permit application can be found on our website. The public can also provide comments by clicking on the MS4 public comment link on our homepage. Finally, tonight's HVAC decision brings us very close to completing this project. I believe a great capstone to this project would be to do something with the significant wall space behind the staff area in the main office. To this end, I would request our town manager and staff investigate whether the Hamden Academy art class students would be amenable to painting a wall mural collage of significant Hamden historical structures in that wall space. I would propose that students submit draft drawings and the final design be selected by Council and staff, or a vote of Hampden residents, possibly with the winner receiving a gift certificate, and then painted onto that wall space by students from the art class. I personally am willing to help defray the cost of materials to complete this project and would challenge my fellow Councilor's to contribute to cover material costs as well. I would hope we

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*could conclude this art mural project by May of 2022. Thank you and good night Hampden.*

*Councilor McPike - Thank you to your brother, Eric. That's very generous indeed for someone to do that and much appreciated and I'm sure there was little shove from you that helped. I'd also like to thank you, I think it's Frank Coombs and whoever works with Frank for the garden, at the Canaan, Patterson and Meadow Road, suicide corner there that comes together so nicely, driving out there it's in beautiful shape right now. And they've really done a fantastic job with that. And all out of their own pocket, I believe. I don't think there's any help. Plus, I believe I have to thank the town probably for doing the mowing and the trimming, because I think they probably do. So, it's really nice if you go out that way to see that. And it's nice to see that the residents of Town of Hampden are willing to do something like that. It's much appreciated.*

Councilor Cormier – *No comment.*

Mayor Wright – *No comment.*

K. ADJOURNMENT

*Meeting adjourned at 6:40 p.m.*

*Respectfully Submitted,  
Gayle C. Decker, Town Clerk*

Note: Council will take a five-minute recess at 8:00 p.m.



HAMPDEN TOWN COUNCIL WORKSHOP  
HAMPDEN MUNICIPAL BUILDING  
MINUTES

C-2-b

TUESDAY

OCTOBER 12, 2021

6:00 P.M.

In Attendance:

Mayor Shelby Wright  
Councilor Eric Jarvi  
Councilor Mark Cormier  
Councilor Ivan McPike  
Councilor Allen Esposito  
Councilor Peter Erickson  
Councilor Christine Cubberley

Paula Scott, Town Manager  
Gayle C. Decker, Town Clerk  
Christian Bailey, Public Works Director  
Jason Lundstrom, Deputy Fire Chief  
Clifton Ilver, Town Planner  
Other Members of the Public

Deputy Mayor Jarvi called the meeting to order at 6:00 p.m.

- A. CALL TO ORDER
- B. UNFINISHED BUSINESS
- C. NEW BUSINESS

- a. Council discussion on changing public notice requirements, requested by Councilor Erickson.

*There was no discussion. This agenda item was tabled for a subsequent workshop.*

- b. Council discussion on inflow and infiltration fee request to be added to sewer bills, requested by Victor Smith, Public Works Director.

*Town Manager Scott stated that as we all know infiltration and inflow has been a huge topic of conversation over the last couple of years and that Victor has been doing some research and contacting other towns. A model that he found that he thought might work for Hampden was actually from the city of Ellsworth, where they've added an inflow and infiltration fee to each quarterly sewer bill. And that fee remains on the quarter on the sewer bill until such time as the property owner allows an inspection by the sewer department to determine that cellar drains are not being piped into our sewer. Once we're able to inspect, then that fee comes off. Victor is recommending that we consider adding this to the fees ordinance when the time comes to review the fees ordinance, which is coming right up, we typically do it October and that's basically the catalyst for this request. Council consensus is to move this to the next Council Meeting for full consideration.*

- c. Council discussion on Proposed Stormwater Ordinance.

*Town Manager Scott spoke on the recent rain events and that they wreaked havoc on some of our resident's cellars, with regard to their cellar drains that are discharging into our stormwater system have backed up. There's four people that we have had legitimate complaints from in the form of letters or emails. In researching this, it was discovered that in 1992, the Town Council signed a resolution basically saying that any resident who hooks*

Note: Council will take a five-minute recess at 8:00 p.m.

## AGENDA

*into the town's stormwater system has to do so at their own risk. The storm water systems are put there in place so that when there is winter snow build up, the melting and the freezing and the melting and the freezing that often goes across the roads won't cause as much damage to the roads themselves and also won't pose so much of a risk hazard for accidents. And I guess back in the 90s, they all had ditches pretty much until they discovered that there was a lot of this damage to the roads and that was when they started installing a closed stormwater system which is basically drainpipe. So, because of the situation with the recent rain events that have caused damage to some residents cellars, by way of flooding, which according to our insurance company we're not liable for based on case law. But we're looking to strengthen the resolution that was put forth in 1992 and create an actual ordinance to address this problem. Consensus of Council is to have staff put together an ordinance for consideration as soon as possible.*

- d. Council discussion on Pilot Programs vs Service Charges Ordinance, requested by David Johnson, Deputy Treasurer.

*Council authorized staff to move ahead with amendments to the Service Charges Ordinance and the appropriate public hearing.*

- e. Council discussion regarding Manning Mill Bridge emergency response.

*Town Manager Scott gave a recap on the Manning Mill Bridge. The three items that were identified by Engineers were the scour and undermining at pier 2, the steel protective coating failure and the steel section loss. Those are considered very critical. It got her thinking about how we might be able to provide adequate fire service to the residents on the other side of the bridge because the equipment that we have is quite a bit over the load rating for the bridge. She did some research and met with Deputy Chief Lundstrom, Chief Bailey and Victor. They brainstormed a whole lot of ideas from calling other towns to the base to utilizing airplanes and just trying to determine. They talked about a Bailey bridge, which is basically a temporary bridge and we can't do that because of the permitting needed by the DPW. They talked about putting in a temporary road across adjoining property and utilizing the former old carriage trail that was there. That would require a lot of time it would require easements and it would be expensive to build. And we'd be no further off than we are right now. In waiting for the two years for the bridge to be complete. So, she asked deputy chief Lundstrom to try to find a truck that might serve purpose for fighting fire on the other side of that bridge. After discussion Council recommendation is for staff to consider going ahead with proposal for vote at the next council meeting*

- f. Council discussion on the sale of town owned property, identified as map 5 lot 48, to the immediate abutter Robert Meyers for the purpose of gaining proper set back.

*Town Manager Scott spoke that the Assessor discovered that this lot was listed as an original base lot. A base lot is inaccurate for this application because it was town owned land that was solely for the purpose of an open space requirement in a subdivision and it could never be built on. So, classifying the lot correctly it would be considered a rear lot or side lot and that would reduce the value in the system to \$2100.00. She wanted the Council to know the accurate assessed value and that the property could never be built on. Council consensus is to take to next Council meeting to entertain the proposal for the sale of this property.*

Note: Council will take a five-minute recess at 8:00 p.m.

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OCTOBER 12, 2021

6:30 P.M.

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D. ADJOURNMENT

Meeting adjourned at 6:48 p.m.

Respectfully submitted,  
Gayle C. Decker, Town Clerk

Note: Council will take a five-minute recess at 8:00 p.m.

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-3034  
Fax: (207) 862-5067  
email: clerk@hampdenmaine.gov

November 9, 2021

Restaurant Angelo's of Hampden, INC  
Elisaveta Turla  
102 Main Rd South  
Hampden, ME 04444

RE: Victualer's license

To Whom It May Concern:

Your application for your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.C of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

  
Jennifer Mahon

# VICTUALER'S LICENSE CERTIFICATE

No. 2021-16

## **MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: November 9, 2021

**KNOW YE**, that Elisaveta Turla,

doing business as Restaurant Angelo's of Hampden, INC

has been duly licensed as a Victualer at 102 Main Rd South

in the Municipality of Hampden by said Municipality until November 9, 2022,

and has paid to the Municipal Treasurer the fee of \$ 100.00.

  
Authorized Municipal Officer Deputy Town Clerk

**Memorandum**

TO: Town Council  
FROM: Paula Scott, Town Manager  
DATE: 11/09/2021  
RE: Addition of ROTH to 457 Retirement Plan

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The Town of Hampden has sponsored an ICMA retirement plan for many years. The 401 portion is that which is made up of a joint contribution of the employee and the employer. The Town also allowed for an optional 457 portion which is contributed to 100% by the employee if they so choose. Adding a ROTH feature to that existing 457 plan would allow for those employees to contribute to the plan with post-tax dollars rather than pre-tax dollars. That type of contribution would benefit the employee upon withdrawal as the taxes would already be paid. I am requesting Council authorization to add a ROTH feature to the ICMA plan.

# 457 Roth contributions

Roth contributions give you another tax-advantaged savings option, allowing you to benefit from tax-free withdrawals in retirement.

## How it works

1. A percentage of your pay, or a specified dollar amount, can be contributed to your 457 plan as a Roth contribution.
2. Roth contributions are made on an after-tax basis and won't reduce your income taxes for the year (unlike pre-tax contributions).
3. Roth contributions and associated earnings can be withdrawn tax-free if the requirements for a qualified distribution are met.

## Contribution limits

457 plan contribution limits apply to the combination of pre-tax and Roth contributions. You can continue making pre-tax contributions only or designate a portion (or all) of your contributions as Roth contributions.

## Qualified tax-free distributions

Distributions of Roth assets will be tax-free if:

- A period of five years has passed since January 1 of the year of your first Roth contribution
- You're at least age 59½ (or disabled or deceased)

You're eligible for distributions upon separation from service with your employer. In-service withdrawal options, such as emergency withdrawals, may also be available.

## Benefits

In addition to potentially tax-free withdrawals in retirement, Roth contributions allow for:

- **Higher contribution limits than Roth IRAs** – 457 plans allow for greater after-tax savings.
- **Eligibility at all income levels** – Unlike Roth IRAs, your ability to make Roth contributions to a 457 plan doesn't depend on your income.
- **Tax planning** – Having both pre-tax assets and Roth assets allows you to choose the source of funds most advantageous to your situation.

## Additional information

The chart on the next page compares Roth and other retirement plan contributions.

The Roth Analyzer ([www.icmarc.org/rothanalyzer](http://www.icmarc.org/rothanalyzer)) can also help you compare Roth and pre-tax contributions, given your present and anticipated future financial situations. Making both types of contributions may make sense.

### Set up Roth contributions – it's easy!

If your plan permits online contribution changes, simply log into your account at [www.icmarc.org](http://www.icmarc.org) and select **Contributions**. Otherwise, contact your MissionSquare Retirement Plans Specialist.

(continued)



## 457 plan Roth contributions

### Plan features overview

	457 Plan		Roth IRA
Feature	Pre-tax	Roth	Roth
Contributions			
Maximum contribution (2021)	Normal limit (above \$19,500) \$19,500 Age 50 catch-up: \$6,500 (\$26,000 total) <b>Or</b> Pre-retirement catch-up: \$19,500 (\$39,000 total) All contribution limits apply to the combination of pre-tax and Roth contributions to the plan. Catch-up provisions cannot be combined in the same plan year. For each of the three years prior to the year you reach your normal retirement age, as defined in the plan and based on the extent to which maximum contributions were not made in previous years.	Same as 457 plan pre-tax	\$6,000 Age 50 catch-up: \$1,000 (\$7,000 total) Pre-retirement catch-up: N/A
Contributions reduce taxable income	Yes	No	No
Income limits (2021)	None. Participation is not limited by your annual income.	Same as 457 plan pre-tax	Modified adjusted gross income must be less than \$208,000 (married filing jointly) or \$140,000 (single or head of household)*

(continued) 2

## 457 plan Roth contributions

	457 Plan		Roth IRA
Feature	Pre-tax	Roth	Roth
<b>Withdrawals</b>			
<b>Taxation of withdrawals</b>	Withdrawals are subject to federal and, in most cases, state income taxes.	Withdrawals are tax-free if the requirements for a qualified distribution are met.  Distributions of Roth assets are qualified if a period of five years has passed since January 1 of the year of your first Roth contribution (including roll-ins), and you are at least age 59½ (or disabled or deceased).	Same as 457 plan Roth, except Roth IRAs <b>also</b> permit qualified distributions for a first-time home purchase.
<b>Withdrawal eligibility</b>	Upon separation from service with the plan sponsor. In-service withdrawal options (e.g., after age 70½, emergency withdrawals) may also be available.	Same as 457 plan pre-tax	Withdrawals can be taken at any time.  Contributions are always withdrawn first, tax- and penalty-free.
<b>Required minimum distributions</b>	At least age 72 or separation from service, whichever is later.	Same as 457 plan pre-tax	None
<b>10% early withdrawal penalty tax</b>	457 plan contributions and associated earnings are not subject to the early withdrawal penalty tax. However, if you roll assets into your 457 plan from another type of account, the rolled-in assets are subject to the 10% early withdrawal penalty tax if withdrawn prior to age 59½, unless an exception to the penalty applies.	Same as 457 plan pre-tax	Yes, the penalty may apply to the earnings portion of the withdrawal unless certain criteria are met.

\*For more information, view IRS Publication 590 or visit [www.ircmarc.org/ira](http://www.ircmarc.org/ira). MissionSquare Retirement does not provide specific tax advice.



**Memorandum**

TO: Town Council  
FROM: Paula Scott, Town Manager  
DATE: 11/10/2021  
RE: Vaccine Mandate and Testing Requirements

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On November 6<sup>th</sup>, the Emergency Temporary Standard regarding the Biden administrations vaccine mandate began. I am providing the Council a draft policy regarding this mandate which is for informational purposes. Although this has gone through rule making, there are still some ambiguities and a lot of questions; however, we are under a deadline for implementation. This draft policy is subject to change.

## **Town of Hampden Vaccination, Testing, and Face Covering Policy**

### **Purpose:**

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. The Town of Hampden encourages all employees to receive a COVID-19 vaccination to protect themselves and other employees. However, should an employee choose not to be vaccinated, this policy's sections on testing and face coverings will apply. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

### **Scope:**

This COVID-19 Policy on vaccination, testing, and face covering use applies to all employees of the Town of Hampden, except for employees who do not report to a workplace where other individuals (such as coworkers or customers) are present; employees while working from home; and employees who work exclusively outdoors.

All employees are encouraged to be fully vaccinated. Employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses. For example, this includes two weeks after a second dose in a two-dose series, such as the Pfizer or Moderna vaccines, two weeks after a single-dose vaccine, such as Johnson & Johnson's vaccine, or two weeks after the second dose of any combination of two doses of different COVID-19 vaccines as part of one primary vaccination series. Employees who are not fully vaccinated will be required to provide proof of weekly COVID-19 testing and wear a face covering at the workplace.

Some employees may be required to have or obtain a COVID-19 vaccination as a term and condition of employment at Town of Hampden, due to their specific job duties (e.g., public facing positions).

Employees subject to mandatory vaccination requirements should follow all relevant vaccination procedures in this policy and are not given the choice to choose testing and face covering use in lieu of vaccination. Employees in this category are all emergency service personnel.

All employees are required to report their vaccination status and, if vaccinated, provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if not fully vaccinated, their testing results. Employees not in compliance with this policy will be subject to discipline.

Employees who do not follow this policy for proper testing and masking or vaccination protocols may be placed on unpaid leave or terminated for cause.

Employees may request an exception from vaccination requirements (if applicable) if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face

covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by contacting your immediate supervisor with the reason for the request. All such requests will be handled in accordance with applicable laws and regulations and the Town of Hampden Personnel Policy or Collective Bargaining Agreement, if applicable.

## **Procedures:**

### **Overview and General Information**

#### **Vaccination**

Any Town of Hampden employee that chooses to or is required to be vaccinated against COVID-19 must be fully vaccinated no later than January 4, 2022. Any employee not fully vaccinated by [Date] will be subject to the regular testing and face covering requirements of the policy.

*To be fully vaccinated by January 4, 2022, an employee must:*

- *Obtain the first dose of a two dose vaccine no later than December 7, 2021; and the second dose no later than January 4, 2022 or*
- *Obtain one dose of a single dose vaccine no later than January 4, 2022.*

Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine as stated above. An employee will be considered partially vaccinated if they have received only one dose of a two dose vaccine.

Employees may schedule their vaccination appointments, through an on-site clinic, through their own medical provider, or with a mass-vaccination clinic. The maintenance and implementation of this policy will be through the human resource department at the direction of the Town Manager.

#### **Testing and Face Coverings**

All employees who are not fully vaccinated as of January 4<sup>th</sup> 2022 will be required to undergo regular COVID-19 testing and wear a face covering when in the workplace. Policies and procedures for testing and face coverings are described in the relevant sections of this policy.

### **Vaccination Status and Acceptable Forms of Proof of Vaccination**

#### **Vaccinated Employees**

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted via in-person at the HR office.

Acceptable proof of vaccination status is:

1. The record of immunization from a health care provider or pharmacy;
2. A copy of the COVID-19 Vaccination Record Card;
3. A copy of medical records documenting the vaccination;

4. A copy of immunization records from a public health, state, or tribal immunization information system; or
5. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).

Proof of vaccination generally should include the employee's name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances the Town of Hampden will still accept the state immunization record as acceptable proof of vaccination.

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:

*"I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties."*

*An employee who attests to their vaccination status in this way should to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine.*

### **All Employees**

All employees, both vaccinated and unvaccinated, must inform Town of Hampden of their vaccination status. The following table outlines the requirements for submitting vaccination status documentation.

<b><i>Vaccination Status</i></b>	<b><i>Instructions</i></b>	<b><i>Deadline(s)</i></b>
<b><i>Employees who are fully vaccinated.</i></b>	<b><i>Submit proof of vaccination that indicates full vaccination.</i></b>	
<b><i>Employees who are partially vaccinated (i.e., one dose of a two dose vaccine series).</i></b>	<b><i>Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose when it is obtained.</i></b>	
<b><i>Employees who are not vaccinated.</i></b>	<b><i>Submit statement that you are unvaccinated but are planning to receive a vaccination by the deadline.</i></b>	
	<b><i>Submit statement that you are unvaccinated and not planning to receive a vaccination.</i></b>	

## **Supporting COVID-19 Vaccination**

An employee may take up to four hours of duty time per dose to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of duty time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of duty time will be granted. Employees who take longer than four hours to get the vaccine must send their supervisor an email documenting the reason for the additional time (e.g., they may need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated.

Employees may utilize up to two workdays of sick leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to two days of additional sick leave immediately following each dose if necessary.

Employees may apply for requesting and granting duty time to obtain the COVID-19 vaccine or sick leave to recover from side effects through their supervisor.

## **Employee Notification of COVID-19 and Removal from the Workplace**

The Town of Hampden will require employees to promptly notify their supervisor by telephone when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

The Town of Hampden will follow the recommendations of the CDC to determine return to work.

### Medical Removal from the Workplace

The Town of Hampden has also implemented a policy for keeping COVID-19 positive employees from the workplace in certain circumstances. The Town of Hampden will immediately remove an employee from the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate).

### Return to Work Criteria

For any employee removed because they are COVID-19 positive, the Town of Hampden will keep them removed from the workplace until the employee receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing; meets the return to work criteria in CDC's "Isolation Guidance"; or receives a recommendation to return to work from a licensed healthcare provider.

Under CDC's "Isolation Guidance," asymptomatic employees may return to work once 10 days have passed since the positive test, and symptomatic employees may return to work after all the following are true:



- At least 10 days have passed since symptoms first appeared, and
- At least 24 hours have passed with no fever without fever-reducing medication, and
- Other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).

If an employee has severe COVID-19 or an immune disease, the Town of Hampden will follow the guidance of a licensed healthcare provider regarding return to work.

### COVID-19 Testing

All employees who are not fully vaccinated will be required to comply with this policy for testing.

Employees who report to the workplace at least once every seven days:

- (A) must be tested for COVID-19 at least once every seven days; and
- (B) must provide documentation of the most recent COVID-19 test result to [the supervisor] no later than the seventh day following the date on which the employee last provided a test result.

Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

- (A) must be tested for COVID-19 within seven days prior to returning to the workplace; and
- (B) must provide documentation of that test result to their supervisor upon return to the workplace.

If an employee does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result.

Employees who have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.

The weekly testing requirement may be conducted at a pharmacy or other testing site, or at an employee's medical care provider's office. The employee or its insurer shall bear the expense of weekly testing.

### Face Coverings

The Town of Hampden will require all employees who are not fully vaccinated to wear a face covering. Face coverings must: (i) completely cover the nose and mouth; (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source); (iii) be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers; (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings. Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used



to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

Employees who are not fully vaccinated must wear face coverings over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes. Policies and procedures for face coverings will be implemented, along with the other provisions required by OSHA's COVID-19 Vaccination and Testing ETS, as part of a multi-layered infection control approach for unvaccinated workers.

The following are exceptions to Town of Hampden's requirements for face coverings:

1. When an employee is alone in a room with floor to ceiling walls and a closed door.
2. For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.
3. When an employee is wearing a respirator or facemask.
4. Where Town of Hampden has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee's mouth for reasons related to their job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).

#### **New Hires:**

All new employees are required to comply with the vaccination, testing, and face covering requirements outlined in this policy as soon as practicable and as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment. New employees must comply with this policy, including any deadlines for submitting vaccination documentation or COVID-19 test results. Information will be provided to new employees prior to beginning employment.

#### **Confidentiality and Privacy:**

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

#### **Questions:**

Please direct any questions regarding this policy to Human Resources Department or the Town Manager.